IN THE COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1377 (S/S) of 2001
Old Number
Writ Petition No. 26792 of 1994

Smt. Dhaneshwari Devi
Wife of Sri S.S. Sajwan,
Resident of Village – Adhoiwala,
District – Dehradun. **.....Petitioner**

Versus

1. Zila Basic Shiksha Adhikari, Dehradun.
2. The Regional Assistant Director of Education (Basic), Garhwal Region, Pauri.
3. The Shiksha Nidehsak, U.P., Shiksha Anubhag (Arth – 4), Allahabad.
4. The Manager, Mangala Devi Kanya Junior High School, 15, EC Road, Dehradun.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri P.C. Jhingan, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondent nos. 1 to 3.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Mandamus directing the respondents to make payment of arrears of difference of salary to the petitioner as per rule from 31.03.1990 upto 26.07.1993.

From the perusal of record, it appears that petitioner was appointed as Assistant Teacher in the Institution, which was not under grant-in-aid prior to 31.03.1990. Petitioner was getting salary from the Committee of Management of the Institution on the post on which the petitioner has worked till 26.03.1993.

On 27.07.1993, the post of petitioner was sanctioned by respondent and accordingly, District Basic Education Officer directed to make payment to the petitioner under Payment of Salaries Act, with effect from 27.07.1993.

Petitioner is claiming difference of salary for the period during which that post was not sanctioned by the State Government, which is not admissible. If petitioner has any claim for difference of salary, he may realize the same from Committee of Management since the post was sanctioned by the State Government on 27.07.1993 petitioner is entitled for payment of salary from State Government with effect from 27.07.1993 and the petitioner is already getting salary from the State Government with effect from 27.7.1993.

Writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 03, 2006
SKSharma